

# Calendar No. 608

86TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
No. 610

APPROVING AN ORDER OF THE SECRETARY OF THE INTERIOR  
ADJUSTING, DEFERRING, AND CANCELING CERTAIN IRRIGA-  
TION CHARGES AGAINST NON-INDIAN-OWNED LANDS UNDER  
THE WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

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AUGUST 4, 1959.—Ordered to be printed

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Mr. ANDERSON, from the Committee on Interior and Insular Affairs,  
submitted the following

## R E P O R T

[To accompany S. 1216]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1216) to approve an order of the Secretary of the Interior adjusting, deferring, and canceling certain irrigation charges against non-Indian-owned lands under the Wind River Indian irrigation project, Wyoming, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### TEXT OF THE BILL

The text of the bill is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with the provisions of the Act of June 22, 1936 (49 Stat. 1803; 25 U.S.C. 389-389e), the order of the Secretary of the Interior canceling \$36,439.70 of delinquent irrigation charges, plus accrued interest thereon, and providing for the deferred payment of \$8,706.27, as shown on schedules A, B, and C, which are referred to in such order, is hereby approved: Provided, That the cancellation of \$2,093.14 under schedule B shall not become effective until the landowners have executed contracts as provided in the Act of June 22, 1936, agreeing to pay the balance of such delinquent charges amounting to \$1,556.40.*

## PURPOSE OF THE BILL

The purpose of the bill is to approve the recommendations of the Department of the Interior with respect to a secretarial order canceling and adjusting irrigation charges of certain non-Indian landowners on the Wind River Indian irrigation project, Wyoming.

The details of the effect of S. 1216 are set forth in the following communication, dated February 2, 1959, from the Department of the Interior, which was supported by oral testimony at a hearing before the Subcommittee on Irrigation and Reclamation on July 27, 1959.

## EXECUTIVE COMMUNICATION

The recommendation of the Department of the Interior is as follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., February 2, 1959.*

HON. RICHARD M. NIXON,  
*President of the Senate,*  
*Washington, D.C.*

DEAR MR. PRESIDENT: In accordance with the provisions of the act of June 22, 1936 (49 Stat. 1803, 25 U.S.C. 389-389e), there are enclosed a copy of a secretarial order canceling and adjusting irrigation charges of certain non-Indian landowners on the Wind River Indian irrigation project, Wyoming, and a draft of a bill to approve the order. Congressional approval is required before the order may become effective.

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Copies of schedules A, B, and C, which are referred to in the secretarial order, and copies of the individual justifications for each case listed in schedules A and B, were transmitted to your office with our letter dated February 24, 1958.

Schedule A involves a cancellation of charges totaling \$15,745.12 for 17 non-Indian landowners, all of which charges accrued before December 31, 1946, and a deferral of payments of charges totaling \$7,149.87, which accrued from 1947 through 1956. Deferred payment contracts have been signed by each of the landowners involved.

Schedule B involves a cancellation of charges totaling \$2,093.14 for three non-Indian landowners, all of which charges accrued before December 31, 1946, and a deferral of payments of charges totaling \$1,556.40, which accrued from 1947 through 1956. Deferred payment contracts have not been signed by the landowners involved, but the cancellation will not be effective until the contracts are signed.

Schedule C involves a cancellation of charges totaling \$18,601.44 for 83 non-Indian landowners, all of which charges accrued prior to the Lien Act of March 7, 1928. No contracts were executed obligating the purchaser to pay the charges and they do not constitute liens against the land. Section 4 of the 1936 act directs the Secretary to cancel such charges.

The amounts listed in the schedules are principal amounts and do not include accrued interest. In most cases interest will be as much as the principal. Cancellation of the principal amounts is intended to cancel the accrued interest also.

The cancellation of the charges that accrued before December 31, 1946, is based upon an investigation and administrative determination that the repayment capabilities of the lands are such that the operators can reasonably be expected to pay current annual assessments and to liquidate over a 10-year period the delinquent assessments that accrued after 1946, but that the lands cannot be operated profitably unless the charges that accrued prior to December 31, 1946, are canceled.

The Bureau of the Budget has advised us that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

ROGER ERNST,  
*Assistant Secretary of the Interior.*

ORDER

Whereas an act of Congress approved June 22, 1936 (49 Stat. 1803, 25 U.S.C. 389-389c (1952)), authorizes and directs the Secretary of the Interior to cause investigations to be made to determine whether the non-Indian owners of lands under an Indian irrigation project are unable to pay irrigation charges, and provides that where the Secretary finds that " \* \* \* because of inability to operate such lands profitably by reason of lack of fertility of the soil, insufficiency of water supply, defects of irrigation works, or for any other causes \* \* \* he may adjust, defer, or cancel such charges, in whole or in part, as the facts and conditions warrant," and may enter into contracts with landowners for the payments of past due charges over a period of not more than 10 years; and

Whereas schedules A, B, and C of an investigation and report of conditions on the Wind River Indian irrigation project, Wyoming, show that adjustments involving \$45,145.97 of operation and maintenance assessments against non-Indian-owned lands should be made and that all except three landowners have executed contracts agreeing to pay the adjusted balances of charges against their lands after canceling amounts justified under the said act;

Now, therefore, I find that the landowners are unable to operate such lands profitably because of seepage and other conditions covered by the act and hereby (a) cancel \$36,439.70 of delinquent charges shown on schedules A, B, and C of the said report, provided that the cancellation of \$2,093.14 under schedule B shall not become effective until the landowners have executed contracts as provided in the act of June 22, 1936, agreeing to pay the balance, amounting to \$1,556.40, of delinquent charges against their lands described as the W $\frac{1}{2}$ SW $\frac{1}{4}$ , sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$  of sec. 22, T. 1 S., R. 1 E., and the W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 10, T. 1 S., R. 4 E.; Wind River meridian, and (b) approve the contracts executed or to be executed by the landowners as provided in the said act of Congress providing for the payment of \$8,706.27 of delinquent charges against their lands.

Done in the city of Washington, District of Columbia, this 12th day of November 1957.

ROGER ERNST,  
*Assistant Secretary of the Interior.*

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